

In order to state a federally cognizable claim under 42 U.S.C. § 1983, Martin must allege that the conduct about which he complains was committed by a person or persons acting under the color of state law, and that the conduct deprived him of rights, privileges, or immunities secured by the Constitution or the laws of the United States. *See* 42 U.S.C. §1983; *see also West v. Atkins*, 487 U.S. 42, 48 (1988). Martin neither alleges nor provides any evidence that either defendant Tarsha Owens or Gregory S. Hatfield acted under state law. For this reason, the Complaint fails to state a cognizable federal claim.

II. Conclusion

The Complaint fails to allege a federal claim over which this Court may exercise subject matter jurisdiction. Accordingly the Court shall dismiss this case without prejudice.² An Order consistent with this Memorandum follows.

Date: April 9, 2007

/s/
Alexander Williams, Jr.
United States District Judge

²To the extent Martin might have any claims under state law, this Court will dismiss the Complaint without prejudice to refiling in the appropriate state forum.